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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

HEALTHTECH MANAGEMENT)	
SERVICES, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 12cv042F
)	
PAUL CARDWELL,)	
)	
Defendant.)	
)	

**POWELL VALLEY HEALTH CARE, INC.'s
F.R.C.P. RULE 24 MOTION TO INTERVENE**

COMES NOW, Powell Valley Health Care, Inc., by and through its counsel, Tracy J. Copenhaver, and moves this Court for an Order allowing it to intervene.

As of this date, Defendant has yet to file an answer and no one has entered an appearance on behalf of Defendant. The Plaintiff in this matter does not oppose the motion of Powell Valley Health Care, Inc.

In support of this motion, Powell Valley Health Care, Inc. states as follows:

The above-referenced litigation involves a claim by the Plaintiff HealthTech Management Services, Inc. against the Defendant Paul Cardwell for actions arising out of the duties and obligations of Paul Cardwell while acting as CEO for Powell Valley Health Care, Inc. Pursuant to a Management Agreement between the Plaintiff and Powell Valley Health Care, Inc., Plaintiff agreed to hire and employ an individual to act as CEO of Powell Valley Health Care, Inc., a client of Plaintiff. In the course of providing the management services which PVHC contracted with Plaintiff to provide, Paul Cardwell as the designated CEO failed to carry out his duties and engaged in fraudulent conduct resulting in the theft, embezzlement or misappropriation in excess of \$847,000.00. Defendant Paul Cardwell engaged in this scheme with the help, assistance and cooperation of Michael J. Plake, a resident of West Lafayette, Indiana. Paul Cardwell and Michael Plake, d/b/a Plake and Associates, fabricated a scheme by which Paul Cardwell as CEO directed the business office of Powell Valley Health Care, Inc. to make payments exceeding \$847,000.00 to Plake and Associates under the pretense that the payments were for recruitment services to be provided by Plake and Associates to recruit persons to positions Paul Cardwell deemed appropriate. No such recruiting services were provided. As such, the claim by Plaintiff against Defendant Paul Cardwell is inextricably intertwined with the claim of Powell Valley Health Care, Inc. against HealthTech Management Services, Inc., the entity that employed and provided Paul Cardwell as CEO to Powell Valley Health Care, Inc., and Powell Valley Health Care, Inc.'s claim against Paul Cardwell and his co-conspirator, Michael J. Plake.

Pursuant to Rule 24(a), F.R.C.P., the court must permit anyone to intervene who claims an interest relating to the property or transaction that is the subject of the action and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest. The money asserted by Plaintiff to have been wrongfully embezzled by the Defendant Paul Cardwell was actually the money of Powell Valley Health Care, Inc. and the claims of Plaintiff and Powell Valley Health Care, Inc. against Paul Cardwell, as well as Michael J. Plake, are as a practical matter so connected that a denial of Powell Valley Health Care, Inc.'s motion to intervene would impair or impede its ability to protect its interest and could result in inconsistent judgments.

F.R.C.P. 24(b) allows the court to permit Powell Valley Health Care, Inc. to intervene because Powell Valley Health Care, Inc. has a claim that shares with the main action a common question of law or fact. In this case, the claim of Powell Valley Health Care, Inc. against Paul Cardwell shares both a question of law and question of fact with the claim brought against Paul Cardwell by Plaintiff. The granting of the motion to intervene would not unduly delay or prejudice the adjudication of the original parties' rights.

There is attached hereto a draft Cross Claim which sets forth the claims for which intervention is sought. At such time as Powell Valley Health Care, Inc. has been permitted to intervene, a motion to join Michael J. Plake as a party will be filed and, if granted, the Cross Claim of Powell Valley Health Care, Inc. against the various parties will be in the form attached hereto, and if not, the allegations regarding Michael J. Plake would be deleted.

DATED this 13th day of April, 2012.

/s/ Tracy J. Copenhaver
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Cross Claimant

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2012, a copy of the foregoing Motion to Intervene was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's CM/ECF system:

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